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Section 1.100.General

These Rules of Procedure of the Howard County Planning Board are adopted pursuant to the authority of the Howard County Code, Title II “Administrative Procedures,” Subtitle I “Administrative Procedure Act.” **THE ADMINISTRATIVE PROCEDURES ACT (APA) APPLIES TO THE PLANNING BOARD’S PROCEDURES IN ADDITION TO THE BOARD’S OWN RULES OF PROCEDURE PURSUANT TO SECTION 2.103 OF THE APA.**

Section 1.101.Organization

A. Members

The Planning Board shall consist of five members appointed by the Executive, subject to the confirmation by the Council, and shall serve overlapping terms of five years from the first day of May of the year of their appointments, or until their successors are appointed. Members of the board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget.

B. CHAIRPERSON; VICE CHAIRPERSON

The Board shall annually select a Chairperson and Vice-Chairperson on the first regularly scheduled meeting in September. The Chairperson shall have the duty and responsibility for the overall coordination of the Board’s activities. In addition, the Chairperson shall preside at public hearings and public meetings and shall rule on preliminary matters of a procedural nature. The Vice-Chairperson shall assume the Chairperson’s duties if the Chairperson is absent or incapacitated.

C. QUORUM

A majority of the Planning Board, at least three members, constitutes a quorum. A quorum shall be present before the Board can hold a meeting or hearing.

D. VOTING

A decision by the Board requires the concurrence of a majority of the Board members. In a decision-making meeting [or hearing] attended by less than the full Board, if a majority vote is not attained, the absent member(s) shall review the record in its entirety and cast the deciding vote(s). The same members of the Board who were present at the hearing shall make the decision on the case, provided that any member who was absent during any portion of the hearing or who was appointed after the hearing commenced shall be considered present for voting purposes and may vote if the member **CONFIRMS VERBALLY PRIOR TO VOTING AND** certifies in writing **IN THE DECISION AND ORDER** that the member reviewed all of the evidence submitted and listened to a recording of the portion of the hearing for which the member was not present.

E. EXECUTIVE SECRETARY

The Director of the Department of Planning and Zoning or the Director's designee shall serve as the Executive Secretary to the Board and shall attend all public meetings and public hearings of the Board.

F. LEGAL ADVISOR

The County Solicitor shall be the legal advisor and review and sign as legally sufficient Decisions and Orders for the Board and, at the request of the Chairperson, shall attend the Board at its public hearings, public meetings and work sessions. The County Solicitor may delegate these duties from time to time to an Assistant County Solicitor.

G. SECRETARY

The Executive Secretary shall appoint a secretary who shall record proceedings, draft and maintain the Minutes of Board meetings, and perform other secretarial duties as assigned by the Board.

Section 1.102.Place and Time of Meeting

Planning Board meetings shall be held [bi-weekly] in the George Howard Building, Ellicott City, Maryland[on alternating Wednesday evenings at 7:00 p.m. and Thursday mornings at 9:30 a.m. unless the Executive Secretary schedules the meeting at a different time and place] **AS SCHEDULED BY THE CHAIRPERSON IN CONSULTATION WITH THE EXECUTIVE SECRETARY.**

Section 1.103. Petitions; GENERAL PROVISIONS

A. Form and Content of Petitions

The Planning Board may be petitioned by any party duly authorized pursuant to the Howard County Code, Howard County Zoning Regulations, or other provision of law. The Chairperson shall prescribe the form and content of petitions after consultation with the Executive Secretary.

B. Amendments to the Petition

If any amendments to the petition are made before or during a hearing, the Board, either before or during the hearing, may continue the hearing, or may suspend or postpone the hearing and remand the amended petition to the Department of Planning and Zoning for further recommendations.

C. Payment of Fees

At the time the petition is filed with the clerk of the board, the Petitioner shall pay the applicable fees in accordance with current schedule of fees adopted by resolution of the county council. Checks shall be made payable to the Director of Finance of Howard County.

D. Appearances before the Planning Board

1. The following parties may appear before the Board:

- a. An individual may appear on his or her own behalf.
- b. A member of a partnership may represent the partnership.
- c. A duly authorized representative of a corporation, trust, non-profit organization or association may represent the corporation, trust, or association.
- d. A duly authorized representative or employee of a political subdivision, body, or department may represent the political subdivision, body, or department.
- e. Representatives of Associations - an individual testifying at a hearing on behalf of any civic, community or citizens association shall show that he or she is authorized to speak for and represent the views of that association. The authorization may consist of a duly adopted resolution of the association signed by the president or attested by the secretary. The individual testifying shall state the number of members in the association and its geographic boundaries.

2. Parties

An individual or any other legal entity may become a party to the proceedings before the Board by:

- a. Providing the name, address and signature of the party and/or of the legal entity's duly authorized representative on a sign-up sheet provided by the Board.
- b. Testifying before the Board and providing it with the name and address of the party and/or legal entity; or
- c. In Quasi-Judicial Public Hearings, sending a letter to the Board, received before the close of the record in the case, indicating that the individual and/or legal entity is an interested party to the matter before the Board and providing the party's name, address and signature. Such letters may not be considered for any substantive content and will be received into evidence only for identification of parties to the case. In addition, petitions for or against a zoning matter shall not be used for purposes of conferring party status on those individuals signing the petition under this provision.

3. Spokesperson

When a group of individuals appears in opposition to or in support of a petition, the Board may request the group to elect a spokesperson who shall have the power to cross-examine witnesses, call witnesses, introduce evidence on behalf of the group, object to the introduction of evidence, make opening and closing statements, and act in a representative capacity solely on behalf of those individuals electing the spokesperson. Those individuals not electing to be represented by a spokesperson may act on their own behalf.

4. Representation by Attorney at Law

Any party in a proceeding may be represented by an attorney at law admitted to practice law before the Court of Appeals of Maryland. Before the hearing begins, the attorney shall notify the Board of the names and addresses of individuals he or she will be representing and his or her own name, address and telephone number.

E. MOTIONS AND CORRESPONDENCE; FILING AND SERVICE REQUIREMENTS

1. MOTIONS

A PARTY MAY REQUEST THE BOARD TO ADDRESS A PRELIMINARY MATTER, INCLUDING A MOTION TO DISMISS OR A REQUEST FOR POSTPONEMENT PRIOR TO THE DATE OF THE INITIAL HEARING BY FILING A REQUEST AS A MOTION TO THE BOARD, WITH COPIES FOR EACH BOARD MEMBER, AND CERTIFYING THAT A COPY WAS PROVIDED TO ALL PERSONS KNOWN TO HAVE AN INTEREST IN THE CASE. ABSENT GOOD CAUSE SHOWN, THE BOARD SHALL RULE ON THE MOTION AT ANY TIME FIFTEEN DAYS AFTER THE FILING OF THE MOTION.

2. CORRESPONDENCE

A PARTY FILING WRITTEN CORRESPONDENCE WITH THE BOARD SHALL CERTIFY IN WRITING THAT A COPY OF THE CORRESPONDENCE HAS BEEN SERVED TO ALL PARTIES TO THE CASE OR TO THEIR DESIGNATED LEGAL REPRESENTATIVE OR SPOKESPERSON. THE BOARD MAY NOT CONSIDER THE CORRESPONDENCE IF IT IS NOT ACCOMPANIED BY THAT WRITTEN CERTIFICATION.

Section 1.104.Planning Board Authority

The Planning Board has the following general functions as provided by various sections of Howard County law and regulation and as described in subsequent sections of these rules:

- A. Quasi-judicial decision-making authority following a required public hearing pursuant to Section 1.105 herein;
- B. Administrative decision-making authority following a public meeting pursuant to Section 1.106 herein;
- C. Advisory authority following a required public hearing pursuant to Sections 1.107 herein;
- D. Advisory authority following a public meeting pursuant to Sections 1.108 herein; and
- E. Administrative rule-making authority following a required public hearing pursuant to Sections 1.109 herein. The following chart gives an overview of the Planning Board functions.

KEY PLANNING BOARD FUNCTIONS				
Decision-Making		Advisory		Administrative Rule-Making
Quasi-Judicial: Public Hearing	Administrative: Public Meeting:	Public Hearing	Public Meeting	Public Hearing
Comprehensive Sketch Plan - NT, PGCC, MXD and PSC Districts	Comprehensive Sketch Plan in NT if one of the conditions in Section 125.C.4. is not present	Comprehensive Zoning	Adoption or amendment of regulations regarding the planning and zoning of the county.	Petitions or Board initiated proposals to adopt, amend or repeal any substantive or procedural rules of the Board
Sketch Plan - R-ED	Final Development Plan in NT and PGCC	General Plan	Petitions for zoning map or regulation amendments	
Site Development Plan in CC District	Site Development Plan in R-ED, NT, PGCC, MXD, if the right has been reserved by the Board	Annual capital program and any new or substantially changed capital project	Conditional Use, Non-Residential Variance, Confirmation of Non-conforming Use, only if the Board of Appeals is charged with hearing such cases instead of the Hearings Examiner	
Street renaming petitions			Guidelines for the General Plan, and Amendments to the General Plan	
Declaratory rulings			Preliminary Development Plan in NT or MXD	

Section 1.105. – Quasi-Judicial Decision-Making Authority Following a Required Public Hearing

A. Types of Cases

As required by law, the Board shall conduct a public hearing in accordance with the procedures set forth in the following subsections prior to making a quasi-judicial decision on the following matters:

1. Petitions for Sketch Plan approval in the R-ED (Residential: Environmental Development) Zoning District.
2. Petitions for Comprehensive Sketch Plan approval in the, NT (New Town) (if one or more of the conditions enumerated in Section 125.C.4. of the Howard County Zoning Regulations is present), PGCC (Planned Golf Course Community), MXD (Mixed Use Development) and PSC (Planned Senior Community) Zoning Districts;
3. Petitions for Site Development Plan approval in the CC (Convenience Center) Zoning District;
4. Petitions by the Department of Planning and Zoning to rename a street or highway pursuant to Section 16.400(c) of the Howard County Code;
5. Petitions for a declaratory ruling on the applicability of a rule or statute administered by the Board as provided in Section 2.123 of the Administrative Procedure Act, Howard County Code; and
6. Any other petition where a quasi-judicial decision is made after a required public hearing.

B. Notice to the Public

1. Advertising

The Petitioner, at his or her own expense, shall advertise the date, time and place of the initial hearing at least 30 days before the hearing in at least two newspapers of general circulation in Howard County. The Executive Secretary shall approve the proposed advertising before it is published.

2. Posting of Property

The Petitioner, at his or her own expense, shall post the property with the time, date and place of the initial hearing for at least 30 days immediately before the hearing. The Department of Planning and Zoning shall supply the posters and shall determine the number of posters required and their location. The Petitioner shall properly erect and maintain the posters.

3. Filing Affidavit of Posting and Certificates of Advertising

The Petitioner shall file certificates of advertising and an Affidavit of Posting with the Executive Secretary prior to the hearing.

C. Hearings

1. Scheduling

The Planning Board shall hold hearings as scheduled by the Executive Secretary after consultation with the Chairperson, including preliminary matters when the Chairperson deems them necessary. **IF A TECHNICAL STAFF REPORT IS NOT PROVIDED PRIOR TO A SCHEDULED PUBLIC HEARING AS REQUIRED BY LAW, THE PLANNING BOARD SHALL POSTPONE THE HEARING TO ANOTHER DATE TO ALLOW COMPLIANCE WITH SUCH DEADLINE.**

2. Public Hearings

The public is invited to attend Planning Board hearings. The individuals attending shall maintain order and refrain from disturbing the orderly process of the hearing. Applause or similar emotional reaction displayed at the hearing may be misconstrued by the reviewing Board of Appeals or court as having influenced the Board in its decision. The Chairperson may clear the hearing room of disruptive individuals, or recess the hearing.

3. Open Hearings

Evidence shall be presented to the Planning Board in hearings open to the public. Neither the Board nor its individual members shall hear any party of interest or receive any evidence, argument, or other matter in other than the open session.

4. Place and Time of Hearings

Planning Board hearings shall be held in the George Howard Building, Ellicott City, Maryland or elsewhere as scheduled by the Chairperson.

5. Worksessions

The Planning Board may meet in worksession to discuss evidence it received in public hearings.

- a. Open Worksessions. The public is invited to attend the worksessions held by the Board on a petition in accordance with the open meetings law, however, no additional evidence or testimony will be accepted.
- b. Closed Worksessions. The Planning Board may meet in closed session as permitted by the open meetings law.

6. Signing up to Testify

[Individuals] **ALL WITNESSES** attending a hearing shall sign [up] **HIS OR HER NAME TO THE ROSTER EITHER FOR THE PETITIONER, IN FAVOR**

OF THE PETITION,OR OPPOSED TO THE PETITION BEFORE THE BOARD if they wish to testify; however, if a hearing is continued to a later date, only individuals who have signed up to testify [at the first hearing] **PRIOR TO THE END OF THE PETITIONER'S CASE** will be permitted to testify at any subsequent hearing on the same case, unless called **TO TESTIFY BY THE PETITIONER** on rebuttal **OR THE OPPOSITION ON SURREBUTTAL**.

7. Continued Hearings

Cases which have not been concluded at the initial hearing may be continued to a day and time announced by the Board immediately before the initial hearing is suspended. It shall not be necessary to readvertise a continued hearing or repost property.

8. Additional Evidence

The Board may recess and/or leave the record open in a case to receive additional evidence at a later time if it deems that it is essential in making a proper decision.

At the time the Board recesses and/or leaves the record open for the receipt of additional evidence, it shall specify how parties may receive copies of the additional evidence, and how much time parties have to respond before the record is closed.

9. Ex Parte Communication

Outside of the hearing, the Planning Board or its members may not communicate with any person who is a party or receive any communication from any such person regarding any matter relevant to the merits or the law of a pending or proposed petition. Any request for information concerning a pending or proposed petition should be directed to the Executive Secretary or designee.

D. Record of Contested Case Hearings

1. Official Record

The Planning Board shall maintain an official record of its proceedings in each case. This record shall include all testimony and exhibits and a recording of the proceedings.

a. Transcription of Testimony

Transcriptions of testimony shall be made if requested for review on appeal or if requested by a party in interest who appeared at the hearing. The transcribed testimony [may] **SHALL** be obtained from the **EXECUTIVE** Secretary upon payment in advance of the cost of transcribing the record. The transcriber shall certify the accuracy of any transcript. The County Council shall prescribe by resolution the specifications for transcript preparation.

b. Rules of Evidence

Any evidence which would be admissible under the rules of evidence applicable in judicial proceedings in the State of Maryland shall be admissible in hearings before

the Planning Board. The Board is not bound by the technical rules of evidence, **INCLUDING THE QUALIFICATION OF EXPERT WITNESSES**, but will apply [those] **ITS** rules so that probative evidence may be conveniently brought forth. The Board shall exclude immaterial evidence and may exclude unduly repetitious testimony and other evidence and may limit the number of witnesses and duration of their testimony when the testimony is cumulative in nature.

c. Materials Deemed Part of Record

For each case, the following shall be introduced into the record: the petition, the Department of Planning and Zoning Technical Staff Report, any previously submitted Technical Staff Reports, the Howard County Zoning Regulations, the Howard County General Plan, the Howard County Subdivision and Land Development Regulations, and all relevant laws and regulations.

d. Exhibits

Exhibits and plat admitted into evidence shall be folded to a maximum size of nine inches by fourteen inches. An exact duplicate of the exhibit may be mounted and used for presentation purposes only.

E. Conduct of Board Hearings

1. Oath

An individual testifying shall give his or her name and address and take the following oath given by the Chairperson: "Do you solemnly promise to speak truthfully in the testimony you are about to give?"

2. Order of Presentation

a. Introduction of reports and official documents pertaining to the case by the Department of Planning and Zoning.

b. Opening statements **OF PARTIES**.

c. Petitioner's presentation

[d.] (1) Direct examination of witnesses

[e.] (2) Cross-examination of witnesses by the opposition, by the Board Members, and by the Board's legal counsel.

[f.] (3) Redirect examination of Petitioner's witness

[g.] (4) Re-cross-examination of Petitioner's witness.

[h.]d. Opposition's Presentation:

[i.] (1) Direct examination of Opposition's witness.

[j.] (2) Cross-examination of Opposition's witnesses by the Petitioner, by the Board Members, and by the Board's legal counsel.

[k.] (3) Re-direct examination of Opposition's witnesses.

[l.] (4) Re-cross-examination of Opposition's witnesses.

[m.] e. [Petitioner's] Rebuttal

- (1) The Petitioner may present evidence to rebut any evidence introduced by the opposition, but no new line of testimony may be introduced at this time.
- (2) **THE OPPOSITION MAY PRESENT EVIDENCE TO REBUT ANY EVIDENCE INTRODUCED BY THE PETITIONER ON REBUTTAL.**

f. **SURREBUTTAL**

THE BOARD MAY GRANT REQUESTS BY THE PETITIONER FOLLOWED BY THE OPPOSITION FOR SURREBUTTAL EVIDENCE.

[n.] g. Petitioner's Summation.

[o.]h. Opposition's Summation.

- (1) Individuals questioning the Petitioner's witness.
Normally, the opposition or a spokesperson cross-examines, but any individual wishing to question the Petitioner's witness may do so with leave from the Chairperson. The Chairperson may grant this leave after recognizing the individual who wishes to question the Petitioner's witness and after that individual has given his or her name, home address, and, if appropriate, its location with reference to the property which is the subject of the hearing.
- (2) Questioning
Questioning shall be brief, pertain only to statements made by the witness, and shall not include statements or speeches. The questioning shall be interrogatory in nature and shall not be argumentative, nor make allusions about the personality or motives of the witness. At the discretion of the Chairperson, questions or cross-examination shall be put in written form and asked by the Board's legal counsel.

3. Burden of Proof

The burden of proof is one of a preponderance of the evidence and is on the petitioner to show, by competent, material and substantial evidence, that he or she is entitled to the relief requested and that the request meets all prescribed standards and requirements.

4. The Board's Action

At the end of the presentation, the Planning Board may grant, subject to conditions, modify or deny the petition, stating its findings of fact and conclusions of law, or it may take the case under advisement for further deliberation and later decision. If the Board requests additional evidence in order to make the proper decision, the Board may recess the case to receive the additional evidence at a later time. The Board may not consider any additional evidence from either side after the hearing is concluded; however, the Board, on its own

initiative or in response to a request made in open session, may receive or require legal memoranda summarizing the presentations of the Petitioner or the opposition. Before filing the Decision and Order, the Board may, on its own motion, reopen a case to receive additional evidence, if it deems it essential in making the proper decision.

F. Decision and Order

1. Issuance of Decision and Order

Unless otherwise provided by law or regulation, each case shall be decided and a Decision and Order issued no later than 30 days after the hearing is concluded. However, the Board, on its own motion and with good and sufficient reason, may extend the time an additional 60 days after the hearing is concluded.

2. Record of Decision and Order

The Decision and Order of the Board granting, granting subject to conditions, modifying or denying the petition shall be in writing, signed by the voting Board Members, attested by the Executive Secretary, and shall be accompanied by Findings of Fact and Conclusions of Law.

The Decision and Order shall be made a part of the record of the proceedings, filed with the Department of Planning and Zoning, and maintained as part of the official records of the County.

3. Minority Opinion

Any Member who does not agree with the majority opinion may prepare a minority opinion to be attached to the Decision and Order.

4. Notification

When the Executive Secretary receives copies of the Decision and Order, the Executive Secretary shall mail copies to the parties who participated in the hearing of their representatives, within 30 days of the date of signature.

G. Revisory Power of the Board

1. Revisory Actions

- a. Written request made within 15 calendar days of Decision and Order.
At the written request of any party made within 15 calendar days of the issuance of the Decision and Order and for good cause shown, the Board may suspend its Decision and reopen the case to reconsider, modify, or rehear the issue. The party submitting the written request shall certify in writing that the request has been served upon all other parties to the case. Providing that actual notice has been given to all parties by the Board, the requesting party may present a brief oral argument at a meeting or hearing at the discretion of a majority of Board Members.

- b. Correcting Clerical Error.
Without prior notice or hearing, the Board [, by resolution,] may modify its Decision and Order to correct a clerical error. The Board shall send a copy of the corrected Decision to each recipient of the original Decision.
- c. Case of Fraud, Mistake, or Irregularity
[At any time the] **THE** Board may revise or modify conditions of its decision in case of fraud, mistake, or irregularity **WITHIN 30 DAYS OF ITS DECISION.**
- d. Time for Appeal to the Board of Appeals
The time for appeal to the Board of Appeals is not affected by a request for reconsideration, modification or rehearing unless the Board modifies, suspends, withdraws its Decision and order.
- e. Grounds for Reconsideration, Modification, or Rehearing
 - (1) The Board [shall] **MAY** reconsider or rehear a matter, and [shall] **MAY** modify a decision, only if evidence is submitted which could not reasonably have been presented at the original hearing, or if some mistake or misrepresentation of fact or law was made at the original hearing [which requires rehearing and reargument in order to be corrected, or to correct a clerical error, or for other good cause shown].
 - (2) The party requesting reconsideration, modification, **AND/or** rehearing shall **ON THE SAME DAY AS FILING** serve a copy of the request on all parties [entitled to receive notice] in the case.
 - (3) Within [15] **10** calendar days of filing of a request for reconsideration, modification, or rehearing, any party may file a written response to the request.

H. Appeals to the Board of Appeals

Appeals to the Board of Appeals of decisions made pursuant to the Planning Board's quasi-judicial decision-making authority shall be heard on the record by the Board of Appeals in accordance with the Board of Appeal's Rules of Procedure.

Section 1.106. Administrative Decision-Making Authority Following a Public Meeting

A. Types of Cases

The Board shall conduct a public [hearing] **MEETING** in accordance with the procedures set forth in the following subsections herein prior to making a decision on the following matters:

- 1. Petitions for Comprehensive Sketch Plan approval in the NT (New Town) Zoning District unless one of the conditions enumerated in Section 125.C.4. of the Zoning Regulations is present, requiring a public hearing.

2. Petitions for Final Development Plan approval in the NT (New Town) (unless one or more of the conditions enumerated in Section 125.c.4. of the Zoning Regulations is present requiring a public hearing) and PGCC (Planned Golf Course Community) Zoning Districts;
3. Petitions for Site Development Plan approval in the R-ED (Residential: Environmental Development), NT (New Town) (if required by the Planning Board pursuant to Section 125.E.1 of the Zoning Regulations), PGCC (Planned Golf Course Community) PSC (Planned Senior Community) and MXD (Mixed Use Development) Zoning Districts if the Planning Board has reserved that authority for itself when approving the Comprehensive Sketch Plan;

B. Notice to the Public

1. Published Planning Board Agenda

Notice of public meetings on administrative decision-making matters shall be provided by the Department of Planning and Zoning's publishing of the Planning Board's agenda containing the date, time and place of the initial meeting on the petition at least seven calendar days before the meeting.

2. Other Means of Notice

Other means of notice for [hearings on advisory] **MEETINGS ON ADMINISTRATIVE DECISION MAKING** matters shall be provided as deemed appropriate by the Executive Secretary after consultation with the Chairperson and as required by law or regulation.

C. Meetings

1. Scheduling

The Planning Board shall hold meetings as scheduled by the Executive Secretary, after consultation with the Chairperson.

2. Public Meetings

The public is invited to attend Planning Board meetings. The individuals attending shall maintain order and refrain from disturbing the orderly process of the meetings. The Chairperson may clear the hearing room of disruptive individuals, or recess the meeting.

3. Open Meetings

Information shall be presented to the Planning Board in meetings open to the public.

4. Worksessions

The Planning Board may meet in worksession to discuss evidence it received in public [hearings] **MEETINGS**.

- a. Open Worksessions. The public is invited to attend the worksessions held by the Board on a petition in accordance with the open meetings law, however, no additional evidence or testimony will be accepted.
- b. Closed Worksessions. The Planning Board may meet in closed session as permitted by the open meetings law.

5. Signing Up to Present Information

Individuals attending a meeting shall sign up if they wish to present information.

6. Subsequent Meetings

Matters which have not been concluded at the initial meeting may be continued to a day and time announced by the Board immediately before the initial meeting is suspended. It shall not be necessary to provide further notice of the continued meeting.

7. Record of Decisions

The Board shall keep a record of its administrative decisions and shall keep minutes of its public meetings. All such records shall be filed with the Department of Planning and Zoning and shall be available for public inspection.

D. Public Participation

The Petitioner, and those in favor of and in opposition to the petition, shall be given a reasonable opportunity to present information to the Board for its consideration.

1. Time Limit – Presenters

The Board may impose a reasonable time limit for speaking on those who wish to make an oral presentation to the Board.

2. Time Limit – Meeting

The Board may impose a reasonable time limit on the duration of the meeting.

E. Order of Presentation

1. Introduction of reports and official documents.
2. Petitioner's presentation.
3. Presentation by supporters.
4. Presentation by the opposition.

The Board may ask questions or request or entertain additional information from anyone making a presentation.

F. The Board's Action

The Board shall make a decision by issuing a letter as required by law. The Executive Secretary shall notify the Petitioner and, upon request, other interested persons of the decision by sending them a copy of the Decision.

G. Appeals to the Board of Appeals

Appeals to the Board of Appeals of decisions made pursuant to the Planning Board's administrative decision-making authority shall be heard de novo by the Board of Appeals in accordance with the Board of Appeal's Rules of Procedures.

Section 1.107 – Advisory Authority Following a Required Public Hearing

A. Types of Cases

The Board shall conduct a public hearing in accordance with the procedures set forth in the following subsections herein prior to making a recommendation on the following matters:

1. Recommendations to the Zoning Board on adoption of Comprehensive Zoning;
2. Recommendations to the County Council on adoption of the General Plan;
3. Recommendations to the County Executive on the proposed annual capital program and any new or substantially changed capital project as provided in Section 16.900.J(3) and 22.405.E(1) of the Howard County Code; and
4. Recommendations on any other advisory matter for which a public hearing is required by Section 16.900(l) of the Howard County Code.

B. Notice to the Public

1. Advertising

The Petitioner, at his or her own expense, shall advertise the date, time and place of the initial hearing at least two weeks before the hearing in at least 2 newspapers of general circulation in Howard County. The Executive Secretary shall approve the proposed advertising before it is published.

2. Other Means of Notice

Other means of notice for hearings on advisory matters shall be provided as deemed appropriate by the Executive Secretary after consultation with the Chairperson and as required by law or regulation.

C. Hearings

The rules for hearings on advisory matters shall be the same as those provided for meetings in Section 1.106.C. [and D.]

D. Record of Recommendation

The Board shall keep a record of its recommendations, and shall keep minutes of these public hearings. This record shall be filed with the Department of Planning and Zoning and shall be available for public inspection.

E. Public Participation

The Petitioner, and all those interested in being heard on a proposal for which the Planning Board has advisory authority, shall be given a reasonable opportunity to present information to the Board for its consideration.

1. Time Limits - Presenters

The Board may impose a reasonable time limit for speaking on those who wish to make an oral presentation to the Board.

2. Time Limit - Hearing

The Board may impose a reasonable time limit on the duration of the [meeting]
HEARING.

3. Written Testimony

The Board, at its own discretion, may accept written testimony by mail, e-mail, or facsimile. The Board shall set a specific time limit to receive written testimony.

F. Order of Presentation

1. Introduction of reports and official documents

2. Petitioner's presentation

3. Presentation by Interested Parties

The Board may ask questions or request or entertain additional information from anyone making a presentation.

G. Board's Recommendation

The Board shall make a written recommendation as required by law. The Executive Secretary shall notify the Petitioner and, upon request, other interested persons of the recommendation by sending them a copy of the recommendation.

Section 1.108 – Advisory Authority Following a Public Meeting

A. Types of Cases

The Board shall conduct a public meeting in accordance with the procedures set forth in the following subsections herein prior to making a recommendation on the following matters:

1. Recommendations on adoption or amendment of regulations regarding the planning and development of the County;
2. Recommendations to the Zoning Board on petitions for amendments to the zoning map or zoning regulations;
3. If the Board of Appeals is charged with hearing a petition for a conditional use, non-residential variance, confirmation of nonconforming use or other matters requiring a de novo hearing before the Board of Appeals instead of the Hearings Examiner as enumerated in Section 16.302.C of the Howard County Code, the Planning Board shall make a recommendation to the Board of Appeals on such matters.
4. Recommendations to the County Council on Guidelines for or amendments to the General Plan;
5. Recommendations to the Zoning Board on petitions for Preliminary Development Plan approval in the NT (New Town) Zoning District; and
6. Any other matter for which the Board's recommendation is required by law, the County Council or County Executive, exclusive of those matters enumerated in Section 1.108 herein including, but not limited to, the General Plan Monitoring Report, Recreation and Parks Master Plan, Water and Sewer Master Plan, Solid Waste Master Plan and Community Plans.

B. Notice to the Public

Notice of public meetings on matters for which the Planning Board has advisory authority shall be the same as that notice required in Section 1.106.B

C. Meetings

The rules for meetings on advisory matters shall be the same as those provided for meetings in Section 1.106.C.

D. Record of Recommendations

The Board shall keep a record of its recommendations, and shall keep minutes of these public meetings. This record shall be filed with the Department of Planning and Zoning and shall be available for public inspection.

E. Public Participation

The Petitioner, and all those interested in presenting information on a matter for which the Planning Board has advisory authority, shall be given an opportunity to present information to the Board orally, or in writing, at the Board's discretion.

1. Time Limit - Presenters

The Board may impose a reasonable time limit for speaking on those who wish to make an oral presentation to the Board.

2. Time Limit – Meeting

The Board may impose a reasonable time limit on the duration of the meeting.

3. Written Testimony

The Board, at its discretion, may accept written testimony by mail, e-mail or facsimile.

F. Order of Presentation

1. Introduction of reports and official documents

2. Petitioner's presentation

3. Presentation by Interested Parties

The Board may ask questions or request additional information from anyone making a presentation.

G. Board's Recommendation

The Board shall make a written recommendation as required by law. The Executive Secretary shall notify the Petitioner and, upon request, other interested persons of the recommendation by sending them a copy of the recommendation.

Section 1.109 – Administrative Rule-Making Authority Following a Required Public Hearing

The Board shall conduct a public hearing in accordance with the procedures set forth in the following subsections herein prior to making a decision on a petition or Board-initiated proposal to adopt, amend or repeal any substantive or procedural rules of the Board.

A. Notice to the Public

1. Advertising

The Petitioner shall advertise the date, time and place of the initial hearing at least 30 days before the hearing in at least two newspapers of general circulation in Howard County.

2. Other

Other means of notice for hearings on [advisory] **ADMINISTRATIVE RULE-MAKING** matters shall be provided as deemed appropriate by the Executive Secretary after consultation with the Chairperson and as required by law or regulation.

B. Hearings

The rules for hearings in administrative rule-making matters [are] **SHALL BE** the same as those [found] **PROVIDED** in Section [1.104.C herein] **1.106C**, except that the Board may receive written information from any person for a period of time following the public hearing as prescribed by the Board, and may consider such written information in a worksession along with the information it receives in the public hearing.

C. Record of Rule-Making Decisions

The Board shall keep a record of its administrative rule-making decisions and determinations. This record shall be filed with the Department of Planning and Zoning and shall be available for public inspection.

D. Participation

The Petitioner, and those interested in being heard on a rule-making proposal, shall be given a reasonable opportunity to present information to the Board for its consideration.

1. Time Limit - Presenters

The Board may impose a reasonable time limit for speaking on those who wish to make an oral presentation to the Board.

2. Time Limit - Hearing

The Board may impose a reasonable time limit on the duration of the hearing.

3. Written Testimony

The Board, at its discretion, may accept written testimony by mail, e-mail, or facsimile.

E. Order of Presentation

1. Introduction of reports and official documents pertaining to the meeting.

2. Petitioner's Representative

3. Presentation by interested persons

The Board may ask questions or request additional information from anyone making a presentation.

F. Board's Action

The Board shall make a decision by adopting, amending or repealing a rule as required by law. The Executive Secretary shall notify the Petitioner and, upon request, other interested persons of the decision by sending them a copy of the decision.